

REMARKS

Claims 9-18 and 20-34 are pending. Claims 27-34 have been added and are reinstated Claim 1 with amendments and Claims 2-8. Applicant respectfully requests reconsideration and reexamination of the pending claims.

Claims 9-14, 16-18, 20, 21, and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al. (USPN 6,181,667) in view of Nagano, Takei et al. Higashiura et al. and Ball et al. Claims 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al. in view of Nagano, Takei et al. Higashiura et al. and Ball et al. and further in view of DiStefano. Respectfully, Applicant overcomes the rejection as follows.

Claim 9 sets forth, *inter alia*, "said alignment marks of said light source assembly configured to not overlap said alignment marks of said substrate" and "adjusting a position of the light source assembly with respect to the substrate until a line extending between the first and second alignment marks of the light source assembly is substantially parallel to a line extending between the first and second alignment marks of the substrate." Applicant could find no teaching or suggestion in Mori et al. disclosing such a feature.

The Examiner has correctly indicated Mori et al. fails to suggest, among other features, "first and second alignment marks on the submount and first and second alignment marks on the circuit board substrate." (Office Action dated July 8, 2003, p. 2) Accordingly, it follows that Mori et al. fails to teach or suggest "adjusting" a position of the light source assembly until a line extending between the first and second alignment marks of the light source assembly is substantially parallel to a line extending between the first and second alignment marks of the substrate.

The Examiner has stated that Nagano allegedly teaches using an alignment mark or marks for accurately mounting the submount. However, Nagano fails to cure the deficiency in Mori et al. As the Examiner has stated Nagano is "silent as to providing alignment marks on the submount as well." (Office Action dated July 8, 2003, p. 3)

Finally, Takei et al. allegedly suggest "alignment marks for aligning grating component (12) onto unit case (7), which contains optical unit (70)." (Office Action dated July 8, 2003, p. 3) Takei et al. does not cure the deficiency of Mori et al. and Nagano since it also does not teach or suggest that the alignment marks do not overlap and "adjusting" a line extending between the first and second alignment marks of the light source assembly until the line is substantially parallel to a line extending between the first and second alignment marks of the substrate."

Instead, Takei et al. discloses “two of the first alignment marks 121 on the first diffraction grating 12 and two of the second alignment marks 74 on the diffraction grating mounting region 73 are respectively overlapped.” (Takei et al. col. 6, lines 50-53, emphasis added) This is possible since substrate 125 on which marks 121 are made is transparent. Therefore, the Takei et al. reference combined with Mori et al. and Nagano fails to arrive at Applicant’s invention.

Unlike Takei et al., the alignment marks set forth in Claims 9 do not overlap, since the “adjusting” feature is between the light source assembly and the substrate. If the marks overlapped in the present invention the alignment could not be made accurately.

Moreover, Applicant could find no disclosure in Mori et al. of the alignment of laser device 21 relative to the substrate or that the alignment is of concern to the devices disclosed therein. Thus, since Applicant could find no motivation in Mori et al. that would warrant a combination with either Nagano or Takei et al., it is not clear that the invention would have been obvious to one of ordinary skill in view of the references.

Further, none of the components that are being adjusted in Claim 9 or that are disclosed in Mori et al. or Nagano that could even be considered remotely equivalent to features set forth in Claim 9 are transparent. Thus, a combination with Takei et al. to arrive at applicant’s invention is misplaced. Accordingly, Claim 9 is allowable over the cited references.

Claim 12 includes novel features similar to those in Claim 9 and is therefore allowable for at least the same reasons.

Claims 10, 11 and 21-26 depend from Claim 9 and are therefore allowable for at least the same reasons as Claim 9. Claims 13-18 and 20 depend from Claim 12 and are therefore allowable for at least the same reasons as Claim 12.

Applicant has reinstated Claim 1-8, as Claims 27-34, respectively, with the exception of amendments made to Claim 1 to place the claim in condition for allowance. Applicant submits that amendments made to the originally filed Claim 1 make Claim 27 allowable over the cited references. Claims 28-34 depend from Claim 27 and are therefore allowable for at least the same reasons as Claim 27.

CONCLUSION

For the above reasons, pending Claims 9-18 and 20-34 are in condition for allowance and allowance of the application is hereby solicited. If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 752-7040 is welcomed and encouraged.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1458, on October 28, 2003.


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Respectfully submitted,



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